

Art Unit: 1654

DETAILED ACTION

Applicants submitted currently amended claim 41 and a set of new claims 42-69 in lieu of canceled claims 1-40 in a supplemental amendment in response to proposed examiner's amendment that was faxed to applicants on 8/19/10.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 6/22/10 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S COMMENT

Applicants submitted a supplemental currently amended claim set on 9/22/10 incorporating the proposed amendment discussed on 8/19/10 that has been placed in the application.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

Art Unit: 1654

The closest prior art, Clainche, 2003, J. Biol. Inorg. Chem., 8, 334-340 teaches the peptide sequences that binds to metal ions such as Tb(III) and Eu(III). However, the prior art does not teach or suggest, alone or in combination, the instantly claimed peptides that binds to uranium.

The closest prior art, Reid, 1995, Archives of Biochemistry and Biophysics, 323, 115-119 teaches peptides that binds to Magnesium. However, the prior art does not teach or suggest, alone or in combination, the instantly claimed peptides that binds to uranium.

The closest prior art, Procyshyn, 1994, The Journal of Biological chemistry, 269, 1641-1647 teaches peptides that binds to Calcium. However, the prior art does not teach or suggest, alone or in combination, the instantly claimed peptides that binds to uranium.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satyanarayana R. Gudibande whose telephone number is 571-272-8146. The examiner can normally be reached on M-F 8-4.30.

Art Unit: 1654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SATYANARAYANA R. GUDIBANDE/
Examiner, Art Unit 1654

/Andrew D Kosar/
Primary Examiner, Art Unit 1654